IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 29510 of 2004(K)

PETITIONER:

A.VELAYUDHAN,
M/S. THARA CHEMICALS, PERINTHALOOR, VETTOM,
PALLIPRAM (P.O), TIRUR-676 102.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

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1. THE SOUTH MALABAR GRAMIN BANK,
REPRESENTED BY ITS MANAGING DIRECTOR,
HEAD OFFICE, MALAPPURAM.

2. THE MANAGER,
SOUTH MALABAR GRAMIN BANK, CHAMRAVATTOM BRANCH(PO)
CHAMRAVATTAM, MALAPPURAM DISTRICT, PIN-676 110.

3. THE TAHSILDAR, TIRUR.

BY SHRI.T.R.RAVI, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON 20/11/2007 DELIVERED THE FOLLOWING:

WP(C) No. 29510/2004

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE REVENUE RECOVERY DEMAND NOTICE DATED 05/12/2003 OF 3RD RESPONDENT.

P2 : COPY OF LETTER NO.PM-1/7347/03 DATED 24/12/2003 OF 1ST RESPONDENT.

P3 : COPY OF THE LETTER DATED 23/09/2004 OF 2ND RESPONDENT.

P4 : COPY OF THE RECEIPT DATED 12/08/2004 OF 2ND RESPONDENT FOR RS.3,50,000/-.

P5 : COPY OF RECEIPT DATED 10/09/2004 OF THE RESPONDENT FOR RS.75,315/-.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 29510 of 2004

Dated, this the 20th day of November, 2007

J U D G M E N T

This writ petition is filed for a direction to 3rd respondent to grant refund of the collection charges recovered and remitted by respondents 1 & 2 from the petitioner. It is conceded that payments were made by the petitioner directly to the Bank and there was no action by the 3rd respondent to recover any amount.

2. Learned Government Pleader opposed the same. Since Rule 5 of the RR Rules provides for recovery of collection charges along with recovery only, it was wrong for the Bank to recover collection charges and remit the same to the 3rd respondent. In the circumstances, this writ petition is allowed directing 3rd respondent to grant refund of the amount of collection charges recovered and deposited by 2nd respondent from petitioner. Refund should be made to the petitioner within a period of two months from the date of production of copy of this judgment by the petitioner.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg